

REMARKS

Reconsideration of this application, as amended, is respectfully requested.

Claims 1-76 are pending in the present application. Claims 1, 9, 17, 25, 33, 41, and 49 have been amended to improve form. Claims 70-76 have been added. Applicant respectfully submits that the amendments made herein do not add new matter.

In the Final Office action dated August 14, 2001, claims 1, 5-9, 13-17, 21-25, 29-33, 37-41, 45-49, and 53-69 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 5,890,138 to Godin et al. (“Godin”).

In the Final Office Action, claims 2-4, 10-12, 18-20, 26-28, 34-36, 42-44, 50-52 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Godin.

35 U.S.C. § 102(e) Rejection

Claims 1, 5-9, 13-17, 21-25, 29-33, 37-41, 45-49, and 53-69 were rejected under 35 U.S.C. § 102(e) as being anticipated by Godin. Claims 1, 9, 17, 25, 33, 41, and 49 have been amended. Applicant respectfully submits that Godin fails to teach, suggest, or render obvious the present invention as claimed.

Independent claims 1, 17, and 33, as amended, recite, *inter alia*, “responsive to said detection of said selection of said one category entry, displaying at least one subcategory field in said display window, concurrently with said category field, said at least one subcategory field containing a plurality of subcategory entries used to categorize said item in said auction, said plurality of subcategory entries corresponding to said one category entry of said plurality of category entries.”

Independent claims 9, 25, and 41, as amended, recite, *inter alia*, “responsive to said detection of said selection of said category entry, providing a plurality of

subcategory entries corresponding to said selected category entry, to be displayed for said user in at least one subcategory field within said display window, concurrently with said category field, said plurality of subcategory entries being used to categorize said item in said auction."

Independent claim 49, as amended, recites, *inter alia*, "responsive to said detection of said selection of said one category entry, to determine whether said database contains a plurality of subcategory entries corresponding to said one category entry and being used to categorize said item in said computerized auction and to provide said plurality of subcategory entries to be displayed for said user in at least one subcategory field within said display window concurrently with said category field."

The Final Office Action asserts that Godin teaches essentially all of the limitations of claims 1, 5-9, 13-17, 21-25, 29-33, 37-41, 45-49, and 53-69. Applicant respectfully disagrees for the following reasons.

To anticipate a claim, the reference must teach every element of the claim. "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

Godin discloses a system and method for providing rapid feedback of a reverse auction process and for removing a user from the process once an indication to purchase has been received. Godin fails to teach or suggest that at least one subcategory field is displayed in a display window, concurrently with a category field, the at least one subcategory field containing a plurality of subcategory entries used to categorize the

item, the plurality of subcategory entries corresponding to the selected category entry, as claimed in independent claims 1, 9, 17, 25, 33, 41, and 49, as amended.

Looking at Godin in more detail and addressing the paragraphs cited in the Final Office Action, Godin teaches at most that category information of upcoming auctions is provided in a screen shown in Figure 7, and that clicking on any category allows the user to review product details in a subsequent screen displayed for the user, as shown in Figure 8. *See* col. 4, lines 21-25. There is no teaching or suggestion anywhere in Godin of multiple subcategory entries corresponding to a selected category entry being displayed in a subcategory field within the display window, concurrently with the category field containing the selected category entry.

Therefore, Applicant respectfully submits that independent claims 1, 9, 17, 25, 33, 41, and 49, as amended, are distinguishable over the Godin reference, and claims 5-8, 13-16, 21-24, 29-32, 37-40, 45-48, 53-69, dependent directly or indirectly from claims 1, 9, 17, 25, 33, 41, and 49 respectively, are also distinguishable at least for the same reasons as state above.

U.S.C. § 103(a) Rejection

Claims 2-4, 10-12, 18-20, 26-28, 34-36, 42-44, and 50-52 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Godin. Applicant respectfully submits that Godin fails to teach, suggest or render obvious the present invention as claimed.

To establish a prima facie case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable

expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

Claims 2-4, 10-12, 18-20, 26-28, 34-36, 42-44, 50-52 depend directly or indirectly from independent claims 1, 9, 17, 25, 33, 41, and 49, respectively.

Independent claims 1, 17, and 33, as amended, recite, *inter alia*, "responsive to said detection of said selection of said one category entry, displaying at least one subcategory field in said display window, concurrently with said category field, said at least one subcategory field containing a plurality of subcategory entries used to categorize said item in said auction, said plurality of subcategory entries corresponding to said one category entry of said plurality of category entries."

Independent claims 9, 25, and 41, as amended, recite, *inter alia*, "responsive to said detection of said selection of said category entry, providing a plurality of subcategory entries corresponding to said selected category entry, to be displayed for said user in at least one subcategory field within said display window, concurrently with said category field, said plurality of subcategory entries being used to categorize said item in said auction."

Independent claim 49, as amended, recites, *inter alia*, "responsive to said detection of said selection of said one category entry, to determine whether said database contains a plurality of subcategory entries corresponding to said one category entry and being used to categorize said item in said computerized auction and to provide said

plurality of subcategory entries to be displayed for said user in at least one subcategory field within said display window concurrently with said category field.”

As discussed in detail above, Godin fails to teach or suggest the above limitation, as claimed in independent claims 1, 9, 17, 25, 33, 41, and 49, as amended. Therefore, Applicant respectfully submits that claims 2-4, 10-12, 18-20, 26-28, 34-36, 42-44, 50-52, dependent directly or indirectly from independent claims 1, 9, 17, 25, 33, 41, and 49, respectively, are distinguishable over the Godin reference as well.

In view of the amendments and remarks set forth herein, Applicant also submits that newly added claims 70-76, dependent directly or indirectly from independent claims 1, 9, 17, 25, 33, 41, and 49, as amended, are also patentable and should be allowed.

It is respectfully submitted that in view of the amendments and arguments set forth herein, the applicable rejections and objections asserted in the Final Office Action have been overcome. Accordingly, applicants request that pending claims 1-76 be found in condition of allowance.

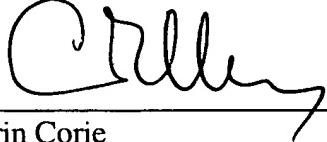
If the Examiner believes a telephone interview would expedite the prosecution of this application, the Examiner is invited to contact Florin Corie at (408) 947-8200 x206.

If there are any additional charges, please charge them to Deposit Account No.
02-2666.

Respectfully submitted,

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VERSION WITH MARKINGS TO SHOW CHANGES MADE

A marked-up version of the amended claims 1, 9, 17, 25, 33, 41, and 49 is provided below. Additions are indicated with “ ” and deletions are indicated within “[].”

1. (Twice Amended) A method for facilitating category selection by a user in a computerized auction, comprising:

 displaying a category field in a display window, said category field containing a plurality of category entries used to categorize an item in said computerized auction;

 detecting selection of one category entry of said plurality of category entries in said category field; and

 responsive to said detection of said selection of said one category entry, displaying at least one subcategory field in said display window, concurrently with said category field, said at least one subcategory field containing a plurality of subcategory entries used to categorize said item in said auction, said plurality of subcategory entries corresponding to said one category entry of said plurality of category entries.

9. (Twice Amended) A method for facilitating category selection by a user in a computerized auction, comprising:

 providing a plurality of category entries to be displayed for said user in a category field within a display window, said plurality of category entries being used to categorize an item in said computerized auction;

 detecting selection by said user of a category entry of said plurality of category entries; and

 responsive to said detection of said selection of said category entry, providing a plurality of subcategory entries corresponding to said selected category entry, to be displayed for said user in at least one subcategory field within said display window,

concurrently with said category field, said plurality of subcategory entries being used to categorize said item in said auction.

17. (Twice Amended) A computer readable medium containing executable instructions which, when executed in a processing system, cause said system to perform a method for facilitating category selection by a user in a computerized auction, said method comprising:

displaying a category field in a display window, said category field containing a plurality of category entries used to categorize an item in said computerized auction;

detecting selection of one category entry of said plurality of category entries in said category field; and

responsive to said detection of said selection of said one category entry, displaying at least one subcategory field in said display window, concurrently with said category field, said at least one subcategory field containing a plurality of subcategory entries used to categorize said item in said auction, said plurality of subcategory entries corresponding to said one category entry of said plurality of category entries.

25. (Twice Amended) A computer readable medium containing executable instructions which, when executed in a processing system, cause said system to perform a method for facilitating category selection by a user in a computerized auction, said method comprising:

providing a plurality of category entries to be displayed for said user in a category field within a display window, said plurality of category entries being used to categorize an item in said computerized auction;

detecting selection by said user of a category entry of said plurality of category entries; and

responsive to said detection of said selection of said category entry, providing a plurality of subcategory entries corresponding to said selected category entry, to be displayed for said user in at least one subcategory field within said display window, concurrently with said category field, said plurality of subcategory entries being used to categorize said item in said auction.

33. (Twice Amended) An article of manufacture comprising a program storage medium readable by a computer and tangibly embodying at least one program of instructions executable by said computer to perform a method for facilitating category selection by a user in a computerized auction, said method comprising:

displaying a category field in a display window, said category field containing a plurality of category entries used to categorize an item in said computerized auction;

detecting selection of one category entry of said plurality of category entries in said category field; and

responsive to said detection of said selection of said one category entry, displaying at least one subcategory field in said display window, concurrently with said category field, said at least one subcategory field containing a plurality of subcategory entries used to categorize said item in said auction, said plurality of subcategory entries corresponding to said one category entry of said plurality of category entries.

41. (Twice Amended) An article of manufacture comprising a program storage medium readable by a computer and tangibly embodying at least one program of instructions executable by said computer to perform a method for facilitating category selection by a user in a computerized auction, said method comprising:

providing a plurality of category entries to be displayed for said user in a category field within a display window, said plurality of category entries being used to categorize an item in said computerized auction;

detecting selection by said user of a category entry of said plurality of category entries selected by said user; and

responsive to said detection of said selection of said category entry, providing a plurality of subcategory entries corresponding to said selected category entry, to be displayed for said user in at least one subcategory field within said display window, concurrently with said category field, said plurality of subcategory entries being used to categorize said item in said auction.

49. (Twice Amended) A system for facilitating category selection by a user in a computerized auction comprising:

a database; and

a server coupled to said database to provide a plurality of category entries to be displayed for said user in a category field within a display window, said plurality of category entries being used to categorize an item in said computerized auction,

to detect selection of one category entry of said plurality of category entries by said user,

and, responsive to said detection of said selection of said one category entry, to determine whether said database contains a plurality of subcategory entries corresponding to said one category entry and being used to categorize said item in said computerized auction and to provide said plurality of subcategory entries to be displayed for said user in at least one subcategory field within said display window concurrently with said category field.

Claims 70-76 have been added.